

## MONITORING TOOL

### Legal Assistance Monitoring Checklist

AAA/Contractor \_\_\_\_\_ Staff Name: \_\_\_\_\_  
Date of Visit \_\_\_\_\_

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Note: Responses to questions listed in “blue” below should be provided by the Legal Services Provider

#### Section I – Legal Needs

- 1. Are older Americans that contact your agency aware that legal assistance is available in your area?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 2. Do you promote the Title IIIB legal assistance program availability to older Nebraskans?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 3. Is additional outreach done to reach the underserved populations?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 4. Are there specific legal issues older Nebraskans ask about more than others in your area?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

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### **Section II - Relationship with Providers**

- 1. Do you feel that your Legal Provider provides an adequate quality and quantity of legal services?**

\_\_\_\_ Yes

\_\_\_\_ No

Comments:

- 2. Would you be willing to explore other providers of legal services?**

\_\_\_\_ Yes

\_\_\_\_ No

Comments:

- 3. Do you feel you are getting adequate feedback from your legal provider regarding the number of individuals served and the outcome?**

\_\_\_\_ Yes

\_\_\_\_ No

Comments:

- 4. Does your agency provide the Surrogate Decision Making booklet to clients?**

\_\_\_\_ Yes

\_\_\_\_ No

If so, how are the booklets distributed?

- 5. How does your agency determine how the priority of cases for your legal assistance program is handled? (circle all that apply)**

Internally

Input from Legal Provider

Older persons in your community

Comments:

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- 6. Are the priority of cases for the legal provider to handle specified under the contract?**

\_\_\_\_ Yes

\_\_\_\_ No

Comments:

- 7. Has the provider established priorities concerning outreach and community education sessions?**

\_\_\_\_ Yes

\_\_\_\_ No

Comments:

- 8. Is legal outreach provided to persons in (circle all that apply):**

Long Term Care Facilities  
Isolated Elderly

Assisted Living Centers  
Homebound Elderly

Comments:

- 9. Does the provider have and distribute pamphlets/flyers describing the legal program and its services?**

\_\_\_\_ Yes

\_\_\_\_ No

(If yes, please provide copies)

Comments:

- 10. Community education schedules:**

Has a schedule for community education events been developed?

\_\_\_\_ Yes

\_\_\_\_ No

Please provide a copy.

Is the set schedule the best way to reach as many seniors as possible?

\_\_\_\_ Yes

\_\_\_\_ No

What system is in place when changes in the schedule must be made?

If changes need to be made at the last minute, what kind of notification system is in place?

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**11. Does the provider have a client grievance procedure?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

**12. Does appropriate staff have access to research tools? (Legal Standards page 16)**

\_\_\_\_ Yes                      \_\_\_\_ No

Specify:

**13. Is outreach and education provided to the target groups on their most critical legal needs? (Legal Standards page 16 - This question applies to both AAAs and Legal Services Providers)**

\_\_\_\_ Yes                      \_\_\_\_ No

Comment on how it is provided:

**14. Do you ensure that all Para Legal/Legal Assistants are supervised directly by an attorney and adhere to the Code of Ethics and Professional Responsibility of the National Association of Legal Assistants? (Legal Standards page 17, #5)**

\_\_\_\_ Yes                      \_\_\_\_ No

**15. How do you ensure that non-lawyers involved in providing legal assistance are not giving advice or providing legal representation? (Legal Standards, page 17 #6)**

**16. Do program staffs (Title IIIB and paralegals), attend at least one training each year related to the Title IIIB legal assistance contract and do you give notice to your legal provider of training opportunities available? (Legal Standards page 18, #7)**

\_\_\_\_ Yes                      \_\_\_\_ No

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- 17. Do clients make voluntary contribution to the cost of the legal services they receive? Contributions received are used to expand the legal assistance program. Legal provider's policy should not condition future assistance on the client's willingness or unwillingness to make a contribution. (Legal Standards, page 18, #9).**

\_\_\_\_ Yes                      \_\_\_\_ No

- 18. Do you, at a minimum, provide three levels of services: Advice and Consultation, Brief Services and Referral for more in-depth services? (Legal Standards, page 22, #7)**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 19. Have you demonstrated to your AAA the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their primary language? (Legal Standards, page 22, #12).**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 20. Does your legal services provider provide you program activity reports in addition to those required by the State Unit on Aging, i.e. under your contract with the provider? If so, please provide a copy.**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 21. Do you coordinate services with the AAA staff and Legal Services Developer on programs such as Long Term Care Ombudsman program, Senior Medicare Patrol, Caregiver, Nutrition and Medicaid Waiver in developing and utilizing a procedure for case acceptance and referrals? (Legal Standards, page 23, #15)**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

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**22. Do you have a plan for coordinating services with the local Legal Services Corporation? (Legal Standards, page 23, #16)**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

**23. If you have a private practice and are unable to handle the case under the Title IIIB contract, do you provide the clients with a rotating list of attorneys practicing in the same geographic area? (Legal Standards, page 23, #17)**

\_\_\_\_ Yes                      \_\_\_\_ No

Please provide a copy of the list of attorneys.

**24. Do you have protocols and a program policy for referral of fee generating cases? (Legal Standards, page 23, #2)**

\_\_\_\_ Yes                      \_\_\_\_ No

Please provide a copy.

**25. Have you developed a program policy on conflict of interest that at a minimum includes provisions for identifying and resolving conflicts for employment and other activity outside the Title IIIB program and extends to persons employed part time or providing services on a voluntary basis? (Legal Standards, page 23, #3)**

\_\_\_\_ Yes                      \_\_\_\_ No

Please provide a copy of the policy.

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- 26. Have you used self-help resources available at self-help centers in Lincoln, Omaha, Grand Island, Hastings and Kearney or the Access 2 Justice, Law School Clinics or the Volunteer Lawyer Project? (Legal Standards, page 32, Appendix)**

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Comments:

**Section III – Accessibility to Services and Referrals**

- 1. Does the AAA and legal provider work together to assure that legal services are equally available in all areas in your PSA? (Legal Standards, page 21, #1)**

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Isolated Elderly?	_____ Yes	_____ No
Homebound?	_____ Yes	_____ No
Facility-based Individuals?	_____ Yes	_____ No

What percentage of intake is done at:

Senior Centers?                      \_\_\_\_\_%

Meal Sites?                              \_\_\_\_\_%

Facilities? Or                              \_\_\_\_\_%

Other locations?                      \_\_\_\_\_%

- 2. Does the provider refer fee-generating cases to other entities?**

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**If yes, who are the cases being referred to?**

- 3. Does the provider make referrals to (circle all that apply):**

**SHIIP                      Income Tax Volunteers                      Case Management**

- 4. What is the response time on referrals from AAA to the provider, to contact a client? What is the average wait for an appointment?**

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**5. Do you have procedures in an emergency situation where time is of essence? Please specify**

**6. Has the provider established client intake and processing procedures?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**If yes, explain them:**

**7. Does the provider keep record of why some cases are not accepted?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**What are the major reasons for not accepting a case?**

**8. Does your AAA assure that the provider does not require an older person to disclose information about income or resources as a condition for providing legal assistance (Note: Legal Aid of Nebraska may ask for income or resources information but other providers may not)?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**Comments:**



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**Section IV – Barriers to Improving Legal Services**

- 1. Are there barriers to improving the quantity and quality of legal services in your area?**

\_\_\_\_ Yes

\_\_\_\_ No

List the top three:

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- 2. Have efforts been made to identify other sources of legal assistance such as:**

**Private attorneys, law students or volunteer lawyer listings that the provider utilizes?**

\_\_\_\_ Yes

\_\_\_\_ No

**If so, does the provider share the list with AAA staff?**

\_\_\_\_ Yes

\_\_\_\_ No

- 2. Has the provider made efforts to involve the private bar in the support of older individuals' legal needs?**

\_\_\_\_ Yes

\_\_\_\_ No

- 3. Has the provider developed and implemented a procedure to measure client satisfaction?**

\_\_\_\_ Yes

\_\_\_\_ No

**If yes, please describe the procedure and provide a copy:**

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- 4. Has the provider taken steps to change the program based on the responses from older persons to the satisfaction surveys?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 5. Does the provider have established goals with your AAA?**

\_\_\_\_ Yes                      \_\_\_\_ No

**If so, have the goals been met?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 6. Discuss any training received by the provider or AAA staff. Is there training that the provider needs that has not been obtained?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

- 7. What was the major substantive issue for the provider in the last fiscal year?**

**Section V – Future Outlook for Legal Services (Non- Monetary Issues)**

- 1. Can the AAA provide you additional help?**

\_\_\_\_ Yes                      \_\_\_\_ No

Comments:

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- 2. Can the provider be of additional help to the AAA?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Comments:

- 3. Can the State Unit on Aging/Legal Services Developer be of additional help to the AAA or the Legal Service Provider?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Comments:

- 4. What resources did your legal assistance program need that it did not have to effectively meet the legal needs of the seniors in your PSA this past fiscal year?**

- 5. Provide up to three characteristics that you believe best exemplify the strength of your program.**

- 6. What do you believe your legal services program can accomplish within the next five (5) years that it has not already accomplished?**

**Thank you for your time and assistance**